

### REMARKS

Reconsideration and allowance of this application is respectfully requested in view of the following remarks.

#### Claim Status

Claims 1-13, 16 and 18 are pending. Claims 1 and 2 were amended. Claims 14, 15, 17, 19 and 20 are canceled. No new matter was added.

#### Interview Summary

A telephone interview was conducted between the Examiner and Applicant on February 2, 2010. Applicant attempted to persuade the Examiner that there was sufficient basis in the original specification for the amendment to claims 1 and 2 in the previous office action claiming an "optionally substituted *trans*-octahydroindole-2-carboxylic acid having no protective group." However neither the Examiner nor her supervisor were swayed by Applicants arguments. The Examiner stated that all claims would be allowed if the language in claims 1 and 2 were amended to an "unsubstituted *trans*-octahydroindole-2-carboxylic acid."

35 USC §112

Claims 1-13, 16 and 18 stand rejected under 35 USC §112, first paragraph as failing to comply with the written description requirement as the claim(s) contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant traverses.

Claims 1 and 2 have each been amended to read, "wherein a racemic mixture of unsubstituted *trans*-octahydroindole-2-carboxylic acid, said unsubstituted *trans*-octahydroindole-2-carboxylic acid..." as suggested by the Examiner. Support for this amendment may be found on page 7, lines 5-10 of the original specification. In light of these amendments, the comments from the Examiner, and the information outlined above, Applicant respectfully requests that the rejection be removed and the claims allowed.

Additionally, claims 14, 15, 19 and 20, which were previously withdrawn, have been canceled as instructed by the Examiner in order for the remaining claims to be allowed.

An early Notice of Allowance is respectfully requested.

Respectfully submitted,



Blake E. Vande Garde  
Attorney for Applicant  
Registration No. 58,264

Customer No. 29494  
Hammer & Associates, P.C.  
3125 Springbank Lane  
Suite G  
Charlotte, NC 28226  
Telephone: 704-927-0400  
Facsimile: 704-927-0485  
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